

REMARKS

Claims 1,3,4,6-11,13,16,17,35,37-44,64,65,69,70,75,77-79,82, 84-89, and 134 are pending in the application. Claim 134 is new. The same are presented for examination upon entry of the present amendment. Claims 1, 35, and 75 are independent.

The Office Action rejects claim 1 under 35 U.S.C. §103 as being unpatentable over US 6,434,524 to Weber ("Weber") in view of US 7,440,898 to Eberle et al. ("Eberle"). In formulating the § 103 rejection of claim 1, the Office Action acknowledges that Weber does not disclose a system (1) to analyze the grammar prior to receiving speech input, (2) to identify at least one characteristic of the grammar independent of prior speech input, and (3) that the input is not an acceptable response in the grammar received from the first application but *is* an acceptable response in the modified grammar, which modifies application menus and modifies or updates the grammar based on content. The Office Action then proffers Eberle for the proposition that Eberle suggests these undisclosed required elements of the invention, and further asserts that a skilled artisan at the time of Applicants' invention would have combined Weber and Eberle in order to ensure that a user always has a most recent version of a menu. Applicants respectfully traverse.

The teaching or suggestion to make the claimed combination, here the combination of Weber and Eberle to ensure a user's menu is recent, must be found in the art, and not based on Applicants' own disclosure. *See In re: Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In Weber, a user is prompted for "whether the matching entry is *correct*" for the purpose of "clear[ing] up ambiguities." *See, e.g., Weber* at column 3, line 64 to column 4, line 5. (Emphasis supplied). Applicants submit that operations ensuring correctness and absence of ambiguities are distinct from operations ensuring a most recent version. In Eberle, voice-enabled interactions (IVB) are described as being delivered "on the fly". *See for example Eberle's steps 250 and 260, set forth in column 16, cited in the Office Action, clearly showing that voice content service and personalization type are performed just in time;*

checking for a most-recent version of something so produced is a non-operation. Applicants respectfully submit, therefore, that to combine Weber and Eberle to formulate the § 103 rejection of claim 1 was improper.

The combination of Weber and Eberle for the reason proffered by the Office Action is, further, also improper because a skilled artisan would have recognized that to analyze and to modify a grammar before receiving speech input would impose a computational burden without knowing, *a priori*, whether such an analysis and modification is necessary. That is, in a system having finite computing resources, a skilled artisan would seek ways to reduce or to defer computations until such time as they are known to be of value. Weber certainly teaches away from using needless computation because of the need to minimize latency in the interactive user interfaces, particularly voice interfaces, it details.

What is more, the disclosure of Eberle is devoid of teachings of grammar as the term is applied within either the meaning of the present application or of Weber. Applicants respectfully submit, therefore, that Eberle is inoperative to cure the acknowledged deficiency of Weber to disclose, *inter alia*, a system that "modifies or updates the grammar based on content" as required by claim 1.

In view of the foregoing, Applicants respectfully submit that claim 1 is patentable over the cited combination of Weber and Eberle. Reconsideration and withdrawal of the § 103 rejection of claim 1 are earnestly solicited. Claims depending from claim 1 are, for at least the reason of such dependence, also patentable over the cited combination of Weber and Eberle.

The Office Action rejects independent claims 1, 35, and 75 for what it terms a "similar rationale." In view of this, Applicants reassert the foregoing arguments for independent claims 35 and 75, and earnestly solicit reconsideration and withdrawal of the § 103 rejections of such claims. Claims depending from claims 35 and 75 are, for at least the reason of such dependence, also in condition for allowance.

Support for new claim 134 is found in the Specification at least at ¶¶0037-0038.

The examiner is invited to contact the undersigned to discuss advancement of the prosecution of this application.

Respectfully submitted,

December 18, 2009

Date

/Charles N.J. Ruggiero/

Charles N. J. Ruggiero

Reg. No. 28,468

Attorney for the Applicants

Ohlandt, Greeley, Ruggiero & Perle, L.L.P.

One Landmark Square, 10th Floor

Stamford, CT 06901-2682

Tel: 203-327-4500

docketing@ogrp.com